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Attorneys for Applicant Intervenor-Defendant
East Kentucky Power Cooperative, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL DIVERSITY,
KENTUCKY ENVIRONMENTAL
FOUNDATION, and SIERRA CLUB

Plaintiffs,

vs.

RURAL UTILITIES SERVICE, a federal agency
Within the United States Department of Agriculture

Defendant.

Case No. C08-1240-MMC

**STIPULATION RE BRIEFING
SCHEDULE; [~~PROPOSED~~] ORDER
THEREON**

Honorable Maxine M. Chesney
Courtroom 7, 19th Floor

1 WHEREAS, on March 8, 2008, Plaintiffs Center for Biological Diversity, Kentucky
2 Environmental Foundation, and Sierra Club (collectively, "Plaintiffs") filed a Complaint and
3 Request for Declaratory and Injunctive Relief with this Court naming Rural Utilities Service, a
4 federal agency within the United States Department of Agriculture, as the defendant;

5 WHEREAS, in their Complaint, Plaintiffs raise claims under the National Environmental
6 Policy Act ("NEPA"), 42 U.S.C. §§ 4321-4370(d), and its implementing regulations, 40 CFR
7 §§ 1500-1508 in regard to Defendant Rural Utilities Service's ("RUS") NEPA review of Applicant
8 Intervenor-Defendant East Kentucky Power Cooperative, Inc.'s ("EKPC") request for financing
9 assistance for two new combustion turbine electric generating units at its existing J.K. Smith Electric
10 Generating Station, two new electric switching stations, and a 36-mile, Smith-West Garrard 345
11 kilovolt electric transmission line;

12 WHEREAS, on April 30, 2008, RUS filed a motion to transfer venue in the above captioned
13 case and a hearing was set for June 27, 2008;

14 WHEREAS, on May 2, 2008, RUS filed an Answer;

15 WHEREAS, EKPC intends to file a motion to intervene in this action on May 30, 2008.
16 Plaintiffs oppose EKPC's motion, and RUS takes no position on EKPC's motion;

17 WHEREAS, EKPC intends to file a proposed concurrence to RUS's motion to transfer venue
18 on May 30, 2008, which concurrence EKPC requests the Court to consider if its request for
19 intervention on the merits of this action is granted;

20 WHEREAS, EKPC wishes to have the motion to transfer venue and motion to intervene
21 heard on the same date and at the earliest date possible to avoid unnecessary time and waste of
22 judicial resources;

23 WHEREAS, RUS and Plaintiffs do not object to having the motion to intervene heard on the
24 same day as the currently scheduled June 27, 2008 hearing on the motion to transfer venue; and

25 WHEREAS, the Parties agree to a shortened briefing schedule.

26 WHEREFORE, the Parties agree that the hearings on the motion to transfer venue and the
27 motion to intervene shall take place on **June 27, 2008**, and by and through their respective counsel
28 of record, hereby stipulate to the following schedule:

May 30, 2008: Applicant Intervenor-Defendant EKPC's Motion to Intervene to be
Filed, and Applicant Intervenor-Defendant EKPC's Proposed
Concurrence to RUS's Motion to Transfer to be Filed
June 13, 2008: Plaintiffs' Opposition to Motion to Intervene Due
June 17, 2008: Applicant Intervenor-Defendant's Reply Brief Due

Nothing in this stipulation shall affect the schedule for RUS's motion to transfer venue, which shall
be briefed and heard in accordance with the local rules.

Dated: May 30, 2008

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1 Dated: May 30, 2008

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and Sierra Club

* Per email authorization

1 IT IS SO ORDERED. All parties are reminded of their obligation to provide a chambers copy of
2 each document electronically filed, such copy to be submitted no later than noon on the business
3 day following the day that the document is electronically filed.

4 Dated: June 2, 2008


United States District Judge